

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include changes to Figures 1, 5 and 8. These sheets, which include Figures 1-8, replace the original sheets including Figures 1-8.

In Figure 1, the sheath 8 and the guide 7 are made visible.

In Figures, 5 and 8, the passage 3 is indicated.

Attachment: 2 Replacement Sheets

REMARKS

The application has been amended and is believed to be in condition for allowance.

The indication that claim 13 would be allowable if rewritten into independent form is acknowledged with thanks.

The attached sheets of drawings includes changes to Figures 1, 5 and 8. These sheets, which include Figures 1-8, replace the original sheets including Figures 1-8.

The Official Action objected to the drawing figures, stating that a passage indicated by a reference sign 3 is not illustrated.

In response, the drawing figures have been amended responsive to the Official Action's objection. In Figure 1, the sheath 8 and the guide 7 are made visible. In Figures 5 and 8, the passage 3 is indicated. No new matter is introduced by way of these amendments to the drawing figures. Entry of these amended drawings, and withdrawal of the objection to the drawings, are respectfully requested.

Claims 1-18 remain in this application. Claims 1-18 have been generally amended for clarity and in consideration of U.S. practice and preferences. Claims 1 and 11 have been amended responsive to the Official Action's rejection under 35 USC 112, second paragraph (see below).

Claim 1 has been further amended to recite a cylindrical element having two obturation elements (2a, 2b)

located within an internal volume of said cylindrical element. This amendment finds support in the drawing figures and the specification (e.g., page 8, lines 11-14).

No new matter is introduced by way of the foregoing amendments to the claims.

The Official Action rejected claims 1 and 11 under 35 USC 112, second paragraph, as being indefinite.

As to claim 1, the Official Action objected to the use of the term "it" as being indefinite. In response, claim 1 has been amended to obviate the rejection.

As to claim 11, the Official Action cited insufficient antecedent basis for the term "attachment systems". Claim 11 has been amended responsive to the Official Action's rejection.

Reconsideration and withdrawal of the indefiniteness rejection of claims 1 and 11 are respectfully requested.

The Official Action rejected claims 1-2, 4, 6-8, and 17-18 under 35 USC 102(b) as being anticipated by De la Torre et al. (U.S. 5,957,913; hereinafter DE LA TORRE).

The Official Action rejected claims 3, 9-12, and 14-15 are rejected under 35 USC 103(a) as being unpatentable over DE LA TORRE.

The Official Action rejected claims 5 and 16 under 35 USC 103(a) as being unpatentable over DE LA TORRE and further in view of Hyodoh et al. (US 2003/0040772; hereinafter HYODOH).

The rejections are respectfully traversed for at least the reasons that follow.

As to independent claim 1, the Official Action stated that DE LA TORRE teaches an occlusive device comprising a hollow cylindrical element 392 that can be twisted according to its axis to create a striction zone characterized in that it comprises two obturation elements 410,382 integral to the inner wall of the cylindrical element leaving a passage and arranged to press against each other to block the passage when the cylindrical element is twisted. The Official Action makes reference to Figure 32 and columns 15-16 of the reference.

In response, it is firstly noted that claim 1 has been amended. It is respectfully submitted that DE LA TORRE does not teach or suggest a cylindrical element having two obturation elements (2a, 2b) located within an internal volume of said cylindrical element and integral to an inner wall of said cylindrical element (1), the two obturation elements (2a, 2b) forming a passage (3) in a first mode, and the two obturation elements (2a, 2b) configured to press against each other to block the passage (3) in a second mode upon the cylindrical element (1) being twisted, as recited in amended claim 1.

On the contrary, DE LA TORRE teaches rings 410,382 being at top and bottom ends to resilient sleeve 392 (e.g., Figure 32, column 15, lines 29-36) forming coupling means between the tubular sleeve 392 and the rotation means (column 16, lines

15-32). There is no teaching or suggestion in DE LA TORRE, either in the specification or the drawing figures, of the rings 410,382 located within an internal volume of a tubular sleeve 392.

There is further no teaching or suggestion in DE LA TORRE that rings 410,382 are arranged to press against each other to block the passage through the resilient sleeve 392. That is, DE LA TORRE teaches no form, wherein ring 410 is either twisted or untwisted, wherein rings 410,382 come inside the inner passage of tubular sleeve 392 or press against one another with the direct effect of blocking the inner passage.

At best, DE LA TORRE's rings 410,382 only peripherally participate in blocking the passage by transferring torque to the tubular sleeve 392 when ring 410 is angularly displaced (column 16, lines 40-54).

Claim 1, in contrast, recites the two obturation elements (2a, 2b) as configured to press against each other to block the passage (3) in a second mode upon the cylindrical element (1) being twisted.

Accordingly, it is respectfully submitted that DE LA TORRE does not teach or suggest the invention recited in amended claim 1. Therefore, it is respectfully submitted that claim 1 is patentable over DE LA TORRE. Reconsideration and withdrawal of the rejection are respectfully requested.

It is further respectfully submitted that claims depending from claim 1 are patentable over DE LA TORRE at least for depending from a patentable claim, as stated above.

In addition, as to claims 5 and 16, it is respectfully submitted that one of skill would find no motivation to combine HYODOH with DE LA TORRE. Contrary to DE LA TORRE, which discloses a tool with a valve like system, HYODOH teaches a delivery device, like a stent, which is structurally and functionally distinct from DE LA TORRE. Further, HYODOH does not teach or suggest an element deformable in torsion to suggest to one of skill a logical link between the reference and DE LA TORRE.

One of skill would recognize that a combination of DE LA TORRE and HYODOH would not obtain an occlusive device with the features claimed in the instant invention because HYODOH has an inherent shape of an hourglass that is not twistable, has no occluding portion on the stent frame, and has no rotation or torsion capability. Indeed, HYODOH teaches a shape memory feature as the main feature of the disclosure, which teaches away from the feature of DE LA TORRE to twist and untwist.

Accordingly, it is respectfully submitted that claims 5 and 16 are not rendered obvious by DE LA TORRE in view of HYODOH.

Reconsideration and withdrawal of the rejections of the dependent claims are respectfully requested.

From the foregoing, it will be apparent that applicants have fully responded to the March 11, 2008 Official Action and

that the claims as presented are patentable. In view of this, applicants respectfully request reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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REL/mjr

**APPENDIX:**

The Appendix includes the following item(s):

- ☒ - Two Replacement Sheets for Figures 1-8 of the drawings